

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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Clifford Thomas Shiflet

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

BASF Corporation

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

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I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Clifford Thomas Shiflet	
Street Address	125 Carling Drive	
City and County	Anderson	Anderson County
State and Zip Code	South Carolina	29625-3023
Telephone Number	(864) 224-0387	ClifShif@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	BASF Corporation	
Job or Title (if known)	John M. Johnson, Assistant General Counsel	
Street Address	100 Park Avenue	
City and County	Florham Park	
State and Zip Code	New Jersey	07932
Telephone Number	(973) 245-6049	john.johnson@basf.com

Defendant No. 2

Name		
Job or Title (if known)		
Street Address		
City and County		
State and Zip Code		
Telephone Number		

Defendant No. 3

Name		
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Job or Title _____
 (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____

Defendant No. 4

Name _____
 Job or Title _____
 (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Clifford Thomas Shiflet, is a citizen of the State of (name) South Carolina.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) BASF Corporation, is incorporated under the laws of the State of (name) New Jersey, and has its principal place of business in the State of (name) New Jersey. Or is incorporated under the laws of (foreign nation) Germany, and has its principal place of business in (name) BASF Corporation.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

the corporation has refused to acknowledge the plaintiff's request for monthly pension payments nor annual out-of-pocket medical expenses since August 27, 2015, and for any future payments.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The plaintiff was employed from May 13, 1968, to April 20, 1980 with a portion of compensation held out for retirement. The W-2 compensation documents for the years 1975 thru 1980 prove the plaintiff was in the company pension plan as well as a Personal Statement of Benefits dated 12/31/1973.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

During the 12 years of employment plaintiff earned \$126,197.13 (per W2s on hand) and about 3.5% was set aside for pension (\$4,416.90) and it was invested for up to 50 years creating a value of \$37,953 (based on conservative 5% / yr). Plaintiff has already missed 3 years of reimbursement of out-of-pocket medical expenses making the pension investment value of \$45,453.78. BASF has refused to pay pension or medical for over 3 years in spite of all the data furnished to them. At stake are the funds missed for three years and the funds due to me in the future as well. Plaintiff believes BASF wants death to terminate the requirement, therefore plaintiff requests an additional \$125,000 as punitive damages.

Attachments: Documents furnished to BASF and Calculations

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: December 4, 2018.

Signature of Plaintiff

Printed Name of Plaintiff

Clifford T. Shifflet
Clifford T. Shifflet

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address